



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 347

*October 11, 1996*

*Reporting requirements in a situation in which a candidate or officeholder uses political contributions to reimburse himself for the use of a personal vehicle for campaign or officeholder purposes. (AOR-385)*

The Texas Ethics Commission has been asked about the applicable reporting requirements in a situation in which a candidate or officeholder uses political contributions to reimburse himself for the use of a personal vehicle for campaign or officeholder purposes.

The Texas campaign finance law, title 15 of the Election Code, requires a candidate or officeholder to report all expenditures from political contributions.<sup>1</sup> Elec. Code § 254.031. It also requires a candidate or officeholder to report political expenditures from personal funds for which the candidate or officeholder will seek reimbursement from political contributions. *Id.* §§ 253.035(h), .0351.<sup>2</sup> Such expenditures are to be reported either as a loan on Schedule E of the C/OH (candidate/officeholder) reporting form or as "political expenditures from personal funds" on Schedule G of the form. *Id.* When a candidate or officeholder pays himself reimbursement from political contributions for expenditures reported as a loan or reported on Schedule G, the candidate or officeholder must report the reimbursement on Schedule F as an "expenditure from political contributions."

Different reporting requirements apply to a situation in which a candidate or officeholder uses a personal asset (purchased for nonpolitical purposes) for political purposes. The use of the asset does not by itself give rise to any reporting requirement. [Ethics Advisory Opinion No. 116](#) (1993). A candidate or officeholder may pay himself reasonable reimbursement from political contributions for the use of a personal asset for political purposes, however, and any such payment is to be reported on Schedule F as an "expenditure from political contributions." Thus, if a candidate or officeholder uses a personal car for political purposes, reporting is required only if and when the candidate or officeholder pays himself reimbursement from political contributions.<sup>3</sup>

### SUMMARY

If a candidate or officeholder uses a personal car for political purposes, reporting is required only if and when the candidate or officeholder pays himself reimbursement from political contributions.

<sup>1</sup> Campaign contributions and officeholder contributions are referred to collectively as "political contributions." Elec. Code § 251.001(5). Similarly, campaign expenditures and officeholder expenditures are referred to collectively as "political expenditures." *Id.* § 251.001(10). We use the term "political purposes" in this opinion to mean campaign or officeholder purposes.

<sup>2</sup> A candidate must report a campaign expenditure from personal funds regardless of whether the candidate will seek reimbursement. *Id.* § 254.031(a)(5). An officeholder must report an officeholder expenditure from personal funds only if the officeholder intends to seek reimbursement for the expenditure. *Id.* § 254.092.

<sup>3</sup> We have stated that reimbursement at the rate set in accordance with section 14(1)(a) of article IX of the General Appropriations Act, Acts 1995, 74th Leg., ch. 1063, art. IX, § 14(1)(a), or any other reasonable rate is appropriate. [Ethics Advisory Opinion No. 116](#) (1993) at 2 n.4. The requestor asks whether there is a time limit for payment of such reimbursement. There is nothing in the statute or current rules that sets a time limit for payment of such reimbursement. Also, filers often raise questions about whether a purchase of gasoline for a personal car that is sometimes used for political purposes should be reported on Schedule G as a political expenditure from personal funds. A reasonable mileage reimbursement rate should cover gasoline as well as wear and tear on the car; in that case purchases of gasoline should not be reported.